

REMARKS

This Amendment is filed in response to the Final Office Action dated July 21, 2009, directed to pending claims 1-21 and 28-52 of which claims 1, 16, 28 and 45 are independent.

I. Objection to the Drawings and Rejection under § 112 first paragraph

The Examiner has rejected claims 1-15 and 16-21 under 35 USC 112, first paragraph because the specification does not disclose “an allocation information allocating section.” First, the Applicant notes that to clarify the allocation information allocation section it has amended independent claims 1 and 16, to recite the following “an allocation information allocating section for allocating allocation information for one carrier or a plurality of carriers to a wireless communication terminal when at least one carrier is allocated to either said first wireless communication terminal or said second wireless communication terminal.”

But, even prior to this amendment, Applicant submits that the specification as originally filed fully supports an allocation information allocating section. By way of example, and without limitation, Applicant directs the Examiners attention to the following paragraphs of Applicant’s published application: [0017] to [0021]; [0051] to [0058]; and [0076] to [0088]. What is readily apparent from those paragraphs is that allocation information may, for example, be a MAC index that is used to identify a wireless communication terminal. As explained in Applicant’s specification, the base station allocates the allocation information (e.g., the MAC index) with respect to a mobile station. For example, paragraph [0080] recites:

[0079] Based upon this mobile station information, the base station 20 allocates an MAC index with respect to the mobile station 10. This MAC index allocating process operation will be discussed later with reference to FIG. 7.

[0080] When the MAC index is allocated, the base station 20 transmits an MAC index allocation message with respect to the mobile station 10 so as to notify this MAC index (process 607). When the mobile station 10 receives this MAC index allocation message, the mobile station 10 returns an information-reception responding message to the base station 20, by which the reception of this MAC index allocation message is confirmed (process 608). Then, this mobile station 10 stores the allocated MAC index into the storage unit (not shown) provided in this mobile station, and is set to such a communicatable condition that a packet to which the MAC index has been added may be transmitted and/or received (process 609).

[0081] As a consequence, both the base station 20 and the mobile station 10 can execute the data communications using the MAC index (process 610).

In any event, with the amendment to claims 1 and 16, Applicant now makes clear that the base station includes an allocation information section for allocating allocation information (e.g., MAC index) for one carrier or a plurality of carriers that is allocated to a wireless communication terminal when at least one carrier (one carrier or a plurality of carriers) is allocated to a wireless communication terminal. Accordingly, claims 1-15 and 16-21 are fully supported by Applicant's specification as filed and Applicant submits the rejection of those claims under 35 USC 112, first paragraph has been overcome.

Furthermore, Applicant submits that the Examiner's objection to the drawings is overcome inasmuch as, at least, Figs. 6 and 7, which relate to the MAC index (exemplary allocation information), and the related disclosure, which has been discussed above, support and disclose the allocation information section.

II. Rejections under 35 USC § 103(a)

All pending claims are rejected under 35 USC 103(a) either under Gitlin (US 6,018,528) in view of Yano (US 6,563,806) or under Gitlin and Yano and further in view of

Krishnamoorthy (US 2002/0051424). In response, all independent claims have been amended to further recite that “the allocation information is for identifying a wireless communication terminal communicating with the base station.” None of the cited art, and in particular Yano, discloses or suggests this claimed feature. Gitlin and Krishnamoorthy are not helpful inasmuch as the Examiner acknowledges or does not rely on those references as disclosing allocation information. Indeed, the Examiner acknowledges that Gitlin fails to disclose the base station and its specific components. See Office Action at 5.

Yano fails to disclose the newly added limitation. Yano describes that among communication channels (See Fig. 4:1 to 4n) identified by carrier frequency and time slot, channel candidates for a single channel communication are registered in a single-channel management table 300 (Fig. 5), and channel candidates for a multiple-channel communication are registered in a multiple-channel management table 400 (Fig. 6). When receiving a channel assignment request, a base station assigns channel(s) while referencing either one of the tables (see, for example, claim1 of Yano).

In contrast, in the claimed invention, allocation information (for example, MAC index in the exemplary embodiment) is allocated for each terminal and is for identifying a wireless communication terminal (see, e.g., paragraphs [0076]-[0088] of Applicant’s published application). As recited in claim 1, for example, allocation information (for identifying a wireless communication terminal) is allocated when carrier(s) is/are allocated to a wireless communication terminal. Because the allocation information is used for identifying a wireless communication terminal, system efficiency is improved. Accordingly, none of the independent claims or any of the claims dependent on the independent claims are rendered obvious by the cited prior art.

For the foregoing reasons, Applicant respectfully submits pending claims 1-21 and 28-52 are allowable over the prior art of record and that the application is now in condition for allowance. The Examiner is urged to telephone Applicant's undersigned counsel at the number noted below if it will advance the prosecution of this application, or with any suggestion to resolve any condition that would impede allowance. In the event that any extension of time is required, Applicant petitions for that extension of time required to make this response timely. Kindly charge any additional fee, or credit any surplus, to Deposit Account No. 50-0675, Order No. 848075-53.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John C. Garces", written over a horizontal line.

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